

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1574

**Introduced by Committee on Elections and Redistricting (Fong
(Chair), Coto, Mendoza, Saldana, and Swanson)**

March 17, 2009

An act to amend Sections 9162, 9286, ~~10229, 14275, and 14293 of,~~
~~and to repeal Sections 14225 and 14277 of, and 10229 of~~ the Elections
Code, and to amend Section 4716 of the Health and Safety Code, relating
to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1574, as amended, Committee on Elections and Redistricting.
Elections.

(1) Under existing law, ordinances may be enacted by any county and a proposed ordinance may be submitted by the county board of supervisors to the voters within a county. Existing law also permits the voters in a county to submit a proposed ordinance or a proposal to enact, amend, or otherwise revise a county charter to the board of supervisors for that county. The board of supervisors may also submit to the voters, without a petition, an ordinance for the repeal, amendment, or enactment of any ordinance. Under existing law, when a county measure qualifies for a place on the ballot, arguments for or against the county measure may be submitted to the voters of the county. An argument for or against a county measure may be submitted by the board of supervisors, any member of the board of supervisors who is authorized by the board to submit an argument, an individual who is eligible to vote on the measure, or a bona fide association of citizens.

This bill would delete the requirement that a member of the board of supervisors be authorized by the board to submit an argument for or against a county measure. The bill would instead provide that an argument for or against a county measure may be submitted by the board of supervisors, any member of the board of supervisors, an individual who is eligible to vote on the measure, or a bona fide association of citizens.

(2) Existing law specifies deadlines for submitting arguments for printing in the sample ballot and sets a time limit for public examination of the ballot materials. The law provides an exemption for a consolidated city election.

This bill provides that the exemption for a consolidated city election applies to the time limitation for submitting ballot arguments.

(3) Existing law sets forth procedures for municipal elections and requires that all nomination papers be filed with the city elections official during regular business hours, as posted, no later than the 88th day before the election and specifies procedures if by 5 p.m. on the 88th day before the election, no one or only one person has been nominated for an office or the number of nominated persons is less than the number of at-large offices to be filled.

This bill would revise these provisions, changing the 5 p.m. deadline to the close of regular business hours, as posted.

~~(4) Existing law requires a voter to deliver his or her voted ballot to a member of the precinct board, who then, in the presence of the voter, deposits the ballot in the ballot box.~~

~~This bill would instead require a voter to deposit his or her voted ballot in the ballot box.~~

~~(5)~~

(4) Existing law, the county sanitation district act, provides for the formation of county sanitation districts. The act requires election precincts to be established by the board of supervisors, and the appointment of precinct boards, composed of one inspector, one judge, and one clerk. It also requires notice of the election to be given by publication in a newspaper of general circulation in the proposed district. In other particulars the act requires the election to be conducted in the manner ordered by the board of supervisors.

This bill would delete these election provisions and instead require election precincts to be established, precinct boards to be appointed, and the date by which to submit ballot arguments determined and noticed pursuant to specified provisions of existing law regarding elections. It

would also require the election to be conducted in the manner set forth by the general election laws of the state.

By increasing the duties of local officials, the bill would impose a state-mandated local program.

(6)

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9162 of the Elections Code is amended
2 to read:

3 9162. (a) The board of supervisors or any member or members
4 of the board, or any individual voter who is eligible to vote on the
5 measure, or bona fide association of citizens, or any combination
6 of these voters and associations may file a written argument for
7 or against any county measure. No argument shall exceed 300
8 words in length. The county elections official shall cause an
9 argument for and an argument against the measure, and the analysis
10 of the measure, to be printed, and shall enclose a copy of both
11 arguments preceded by the analysis with each sample ballot. The
12 printed arguments and the analysis are “official matter” within the
13 meaning of Section 13303.

14 (b) The following statement shall be printed on the front cover,
15 or if none, on the heading of the first page, of the printed
16 arguments:

17 “Arguments in support of or in opposition to the proposed laws
18 are the opinions of the authors.”

19 (c) Printed arguments submitted to voters in accordance with
20 this section shall be titled either “Argument In Favor Of Measure
21 ____” or “Argument Against Measure ____,” accordingly, the
22 blank spaces being filled in only with the letter or number, if any,
23 which designates the measure. At the discretion of the county

1 elections official, the word “Proposition” may be substituted for
2 the word “Measure” in the titles. Words used in the title shall not
3 be counted when determining the length of any argument.

4 SEC. 2. Section 9286 of the Elections Code is amended to read:

5 9286. (a) Based on the time reasonably necessary to prepare
6 and print the arguments and sample ballots and to permit the
7 10-calendar-day public examination as provided in Article 6
8 (commencing with Section 9295) for the particular election, the
9 city elections official shall fix a date 14 days from the calling of
10 the election as a deadline, after which no arguments for or against
11 any city measure may be submitted for printing and distribution
12 to the voters, as provided in this article. Arguments may be changed
13 or withdrawn by their proponents until and including the date fixed
14 by the city elections official during the normal business hours of
15 the elections official’s office, as posted.

16 (b) The requirement in subdivision (a) that the period for
17 submitting arguments for inclusion with the sample ballot materials
18 must be 14 days from the calling of the election is not applicable
19 when the election is consolidated with another election pursuant
20 to Part 3 (commencing with Section 10400) of Division 10.

21 SEC. 3. Section 10229 of the Elections Code is amended to
22 read:

23 10229. (a) If, by the 88th day, during normal business hours
24 as posted, prior to the day fixed for a regularly scheduled municipal
25 election or the 83rd day before the election, during normal business
26 hours as posted, if an incumbent fails to file pursuant to Section
27 10225, (i) no one or only one person has been nominated for any
28 office that is elected on a citywide basis, or (ii) no one or only one
29 person is nominated to be elected from or by a legislative district,
30 or (iii) in the case of any office or offices to be elected at large,
31 the number of persons who have been nominated for those offices
32 does not exceed the number to be filled at that election; or, if, by
33 the 88th day, during normal business hours as posted, before a
34 municipal election to fill any vacancy in office, no one or only one
35 person has been nominated for any elective office to be filled at
36 that election, and the election is subject to Section 36512 of the
37 Government Code, the city elections official shall submit a
38 certificate of these facts to the governing body of the city and
39 inform the governing body of the city that it may, at a regular or

1 special meeting held before the municipal election, adopt one of
2 the following courses of action:

3 (1) Appoint to the office the person who has been nominated.

4 (2) Appoint to the office an eligible elector if no one has been
5 nominated.

6 (3) Hold the election, if either no one or only one person has
7 been nominated. The city elections official shall publish a notice
8 of the facts described in this section and the courses of action
9 available under this subdivision. Publication shall be made pursuant
10 to Section 6061 of the Government Code in any newspaper of
11 general circulation as designated by the city elections official.

12 After the fifth day following the date of posting or publication,
13 the governing body of the city may make the appointment or direct
14 an election to be held in the affected territory. The person
15 appointed, if any, shall qualify and take office and serve exactly
16 as if elected at a municipal election for the office.

17 Notwithstanding Section 10403, if, by the 75th day before the
18 municipal election, no person has been appointed to office pursuant
19 to paragraph (1) or (2), the election shall be held.

20 (b) Subdivision (a) shall not apply if, at the regularly scheduled
21 municipal election, more than one person has been nominated to
22 another city office to be elected on a citywide basis or a city
23 measure has qualified and is to be submitted to the voters at that
24 municipal election.

25 (c) Notwithstanding Chapter 1 (commencing with Section 8600)
26 of Part 3 of Division 8, or any other provision of the law to the
27 contrary, if the governing body of a city makes an appointment
28 pursuant to subdivision (a), the elections official shall not accept
29 for filing any statement of write-in candidacy that is submitted
30 after the appointment is made.

31 (d) Nothing in this section shall be construed to prevent a city
32 from enacting an ordinance pursuant to Section 36512 of the
33 Government Code, requiring that a special election be held, or
34 from enacting an ordinance pursuant to Section 36512 of the
35 Government Code, providing that a person appointed to fill a
36 vacancy on the city council shall hold office only until the date of
37 the special election, or both. Any ordinance or ordinances may
38 allow for appointment consistent with subdivision (a) without
39 requiring or providing for a special election.

1 If an appointment to office is made in a particular legislative
2 district pursuant to subdivision (a), that appointment shall not
3 affect the conduct of the municipal election in other legislative
4 districts of the city.

5 ~~SEC. 4. Section 14225 of the Elections Code is repealed.~~

6 ~~SEC. 5. Section 14275 of the Elections Code is amended to~~
7 ~~read:~~

8 ~~14275. Before leaving the voting booth or compartment, a~~
9 ~~voter shall fold or place the ballot card in the envelope so that the~~
10 ~~ballot markings of the voter will not be exposed, and the ballot~~
11 ~~stub will be outside of the envelope or other container.~~

12 ~~SEC. 6. Section 14277 of the Elections Code is repealed.~~

13 ~~SEC. 7. Section 14293 of the Elections Code is amended to~~
14 ~~read:~~

15 ~~14293. Having folded the ballot, the voter shall separate the~~
16 ~~stub, if any, containing the number from the ballot and deposit the~~
17 ~~ballot in the ballot box in the presence of a member of the precinct~~
18 ~~board. The voter shall take precautions to prevent the disclosure~~
19 ~~of the markings on the ballot when depositing the ballot in the~~
20 ~~ballot box.~~

21 ~~SEC. 8.~~

22 ~~SEC. 4. Section 4716 of the Health and Safety Code is amended~~
23 ~~to read:~~

24 ~~4716. At the election only voters registered in the proposed~~
25 ~~district may vote. Election precincts shall be established pursuant~~
26 ~~to Chapter 3 (commencing with Section 12200) of Division 12 of~~
27 ~~the Elections Code. Precinct boards shall be appointed pursuant~~
28 ~~to Chapter 4 (commencing with Section 12300) of Division 12 of~~
29 ~~the Elections Code. The county elections official shall determine~~
30 ~~the date by which to submit ballot arguments and give the notice~~
31 ~~of this date pursuant to Section 9163 of the Elections Code. In all~~
32 ~~other particulars, the election shall be conducted in the manner set~~
33 ~~forth by the general election laws of the state.~~

34 ~~SEC. 9.~~

35 ~~SEC. 5. If the Commission on State Mandates determines that~~
36 ~~this act contains costs mandated by the state, reimbursement to~~
37 ~~local agencies and school districts for those costs shall be made~~

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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